

EXHIBIT C

TONYA HENDERSON on 01/25/2017

30(b)(6)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 VIRGINIA TORRES,)
5)
6 PLAINTIFF,)
7)
8 v.)
9)
10 Civil Action No. 16-cv-06665
11)
12 Hon. Virginia M. Kendall
13 LVNV FUNDING, LLC, and)
14 NATIONS RECOVERY CENTER,)
15 INC.,)
16)
17 DEFENDANTS.)
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30(b)6 DEPOSITION OF TONYA R. HENDERSON
GREENVILLE, SOUTH CAROLINA
JANUARY 25, 2017

REPORTER: CATHY L. YOUNG, CVR-M
Dallas Reporting, A Huseby Company

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1 Deposition of Resurgent, by and through its
2 representative Tonya R. Henderson, was taken before
3 me, Cathy L. Young, CVR-M, and Notary Public for the
4 State of South Carolina; at the offices of Regus
5 Business Center, 128 Millport Circle, Suite 200,
6 Greenville, South Carolina; commencing at 2:01 p.m.
7 on January 25, 2017; in accordance with the South
8 Carolina Rules of Civil Procedure;

9 That the signing of the transcript by the
10 witness is waived.

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1 (Court Reporter marks Exhibit A, Complaint,
2 attached hereto.)

3 (Court Reporter marks Exhibit C, Account Event
4 History, attached hereto.)

5 (Court Reporter marks Exhibit D, Summons and
6 Complaint, attached hereto.)

7 Tonya R. Henderson, having been duly sworn,
8 testifies as follows:

9 DIRECT EXAMINATION

10 BY MS. CHATMAN:

11 Q. Well, my name is Celetha Chatman. I'm the
12 attorney who will be taking your deposition today.
13 Have you been deposed before?

14 A. Yes, I have.

15 Q. Well, in a deposition, I will be asking you
16 questions regarding the topics in the Notice of
17 Deposition and your answers will be recorded by the
18 Court Reporter who is present here today. You
19 understand that you need to speak clearly, answer
20 orally when giving your answers so that we may hear
21 you clearly. The Court Reporter will not be able to
22 record a nod or a shake of your head. Do you
23 understand?

24 A. Yes, I do.

25 Q. I will be asking you questions, some of

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1 which you may not understand. If you don't
2 understand, don't answer it and I will try to ask
3 the question in a manner understandable to you. Is
4 that okay?

5 A. Yes.

6 Q. If you need to take a break, that's fine.
7 Tell me or your attorney and you will finish your
8 answer if you are in the middle of it, then you can
9 take a break. Is that okay?

10 A. Yes.

11 Q. If you give an answer and later remember
12 some additional information in response to the
13 earlier questions, please tell us you would like to
14 add something and we can do that while it's on your
15 mind. Is that okay?

16 A. Yes.

17 Q. Are you taking any medicines or drugs that
18 might make it difficult for you to understand and
19 answer my questions here today?

20 A. No, ma'am.

21 Q. Have you had alcohol within the last eight
22 hours?

23 A. No, ma'am.

24 Q. Are you sick at all today?

25 A. No.

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1 Q. Any reason you could think that you will
2 not be able to answer my questions here today
3 truthfully and fully?

4 A. No, ma'am.

5 Q. I'm going to be asking you questions about
6 the debt thought to be collected by LVNV Funding,
7 LLC, from Plaintiff in Case No. 16-cv-06665, filed
8 in the Northern District of Illinois, Eastern
9 Division, Titled Virginia Torres v. LVNV Funding,
10 LLC, and Nations Recovery Incorporated. When I say
11 federal actions, I mean that case, and when I say
12 debt, I mean the debt attempted to be collected in
13 that case. Is that clear?

14 A. Yes, it is.

15 Q. When I say LVNV, I mean LVNV Funding, LLC.
16 Is that clear?

17 A. Yes, ma'am.

18 Q. Can you tell me the name of your employer?

19 A. Resurgent Capital Services.

20 Q. Resurgent Capital Services. Okay. What's
21 the relationship between Resurgent Capital Services
22 and LVNV?

23 A. Resurgent Capital Services manages and
24 services all the accounts that LVNV owns.

25 Q. When you say, "manages and services the

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1 accounts," what do you mean?

2 A. They manage and service as in they place
3 accounts with collection agencies, any of the work
4 that needs to be performed on the account, Resurgent
5 would do that.

6 Q. Can you tell me your current title at
7 Resurgent Capital Services?

8 A. I am a managing paralegal.

9 Q. Managing paralegal. Okay. Can you tell me
10 your duties as a managing paralegal?

11 A. Certainly. One of my duties is, I am a
12 30(b)(6) witness on behalf of Resurgent and LVNV
13 Funding. I'm an authorized representative for LVNV
14 Funding. I manage a team of paralegals within the
15 litigation department that work on anything ranging
16 from counterclaims to discovery requests that need
17 verifications or settlement agreements for approval.

18 Q. Okay. Can you tell me what type of
19 business LVNV is?

20 A. What type? It's a limited liability
21 company.

22 Q. As a business, what service does LVNV
23 provide?

24 A. LVNV is a debt owner.

25 Q. When you say "debt owner," what do you

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1 mean?

2 A. It is an entity that owns -- basically owns
3 debts. That's the only thing it does.

4 Q. All that LVNV does is own debt? Okay. Is
5 that a fair statement?

6 A. That LVNV, all it does is own debts?

7 Q. Uh-huh.

8 A. I believe that would be a fair statement.
9 Yes, ma'am.

10 Q. Does LVNV have any employees?

11 A. No, ma'am.

12 Q. Okay. Can you tell me if LVNV Funding
13 purchased Ms. Torres' account?

14 A. Well, LVNV Funding, the particular account
15 we're talking about, LVNV Funding did acquire that
16 account, and is the current --

17 Q. I'm sorry. I didn't hear the last thing
18 you said?

19 A. I was just going to say it is the current
20 owner of the account.

21 Q. Do you know when LVNV acquired Ms. Torres'
22 account?

23 A. Without looking at any documentation, I
24 believe it was -- well, I'd be making a guess
25 without looking at any records or your exhibits,

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1 that it was around --

2 Q. Okay.

3 A. I was going to say 2005. But I would need
4 to look at the exhibits to be sure.

5 Q. Can you look at what is marked as Exhibit
6 C?

7 A. Okay. I have it.

8 Q. Can you tell me what this document is?

9 A. This document is the account event history.
10 It is the electronic, I guess, software that shows
11 the account information.

12 Q. Are you familiar with this document?

13 A. Yes, ma'am, I am.

14 Q. Would this document help you answer when
15 LVNV acquired Ms. Torres' account?

16 A. Yes, it would.

17 Q. Now, looking at this document, can you tell
18 me when LVNV acquired Ms. Torres's account?

19 A. On June 23rd, 2003.

20 Q. June 23rd, 2003. Okay. When LVNV acquired
21 Ms. Torres' account, was it still just a debt owner?

22 MR. FOSTER: Object to the form.

23 BY THE WITNESS:

24 A. I don't understand that.

25 Q. Okay. Sure. When LVNV Funding owned or

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1 fist acquired Ms. Torres' account in June of 2003,
2 was Resurgent Capital Services still servicing --
3 still providing all the services for LVNV?

4 MR. FOSTER: Object to the form.

5 BY THE WITNESS:

6 A. Once LVNV acquired the Torres account,
7 Resurgent, as it's master servicing agent, would
8 have begun work on the account.

9 Q. Okay. So, that answers my question. My
10 question was whether or not Resurgent was still in
11 the picture when LVNV Funding acquired Ms. Torres'
12 account. Okay. Now, to your knowledge, does LVNV
13 ever purchase business accounts?

14 A. LVNV has acquired a collection of accounts.
15 Some have been business and some have been consumer.

16 Q. Do you know whether or not Ms. Torres'
17 account is a consumer account?

18 A. No, ma'am, I do not.

19 Q. Will any documents -- would the account
20 notes here, which are marked as Exhibit C, help you
21 identify whether or not this is a consumer account
22 or business account?

23 A. No, ma'am. There's nothing here -- well,
24 give me one second. (Reviews document.) I don't
25 see anything that indicates either way.

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1 Q. When LVNV acquires an account, does LVNV
2 usually receive any type of account statements?

3 A. They can. Yes, ma'am.

4 Q. Did LVNV receive any account statements for
5 Ms. Torres' account?

6 A. I did not see any in my review of the
7 records.

8 Q. Does LVNV ever send consumers letters
9 regarding their accounts?

10 A. No, ma'am.

11 Q. Does LVNV ever call consumers regarding
12 their accounts?

13 A. No, ma'am.

14 Q. Does LVNV's servicer ever mail letters to
15 consumers regarding their accounts?

16 A. Yes, ma'am. They can.

17 Q. Does LVNV's services ever place phone calls
18 to consumers regarding their accounts?

19 A. Servicer as in Resurgent and anyone
20 Resurgent hires, they could, yes.

21 Q. Yes. Okay. Can you turn to what has been
22 marked as Exhibit D, D as in dog?

23 A. Okay.

24 Q. Can you turn to what has been Bates stamped
25 as LVNV073?

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1 A. Okay.

2 Q. Can you tell me what this document is?

3 A. This document appears to be a summons
4 issued for LVNV Funding versus Virginia Torres in
5 the court of Cook County, Illinois.

6 Q. Have you ever seen this document before?

7 A. I saw it in the exhibits that you provided
8 shortly before the deposition.

9 Q. Can you look down at this document to the
10 name that says Blatt? Are you there? It says
11 Blatt, Hasenmiller, Leibsker & Moore, LLC?

12 A. Yes, ma'am.

13 Q. Can you tell me who Blatt, Hasenmiller,
14 Leibsker & Moore, LLC, is?

15 A. It's a law firm in Chicago.

16 Q. I'm going to say "Blatt" for short when
17 referring to this firm. Is that okay?

18 A. Yes, that's fine.

19 Q. Do you know the relationship between Blatt
20 and LVNV Funding?

21 A. The only relationship was Resurgent would
22 have retained Blatt to represent LVNV Funding in
23 this particular case.

24 Q. Would Resurgent have authorized Blatt to
25 file this lawsuit?

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1 A. Yes, ma'am. If Resurgent would have sent
2 it to Blatt and Blatt felt like they could sue on
3 this account, that would have been through
4 Resurgent.

5 Q. Can you turn to what has been Bates stamped
6 as LVNV074?

7 A. 074?

8 Q. Uh-huh. 074.

9 A. Okay. I have it.

10 Q. Can you tell me what this document is?

11 A. It's a complaint for LVNV Funding versus
12 Virginia M. Torres.

13 Q. Do you know if Resurgent reviews complaints
14 or a stay for complaints such as the one in front of
15 you before -- before it allows the -- before it
16 allows its attorney to file the case?

17 MR. FOSTER: Object to the form.

18 BY THE WITNESS:

19 A. What you mean by reviews?

20 Q. Does LVNV or its servicer ever look at
21 these complaints before they are actually filed?

22 A. I'm not sure if anyone looked at this
23 complaint before it was filed. Resurgent would seek
24 legal representation through Blatt and a
25 determination would be made after that to file the

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1 complaint.

2 Q. But, Resurgent would never look at the
3 complaint before it was filed?

4 MR. FOSTER: Object to the form.

5 BY THE WITNESS:

6 A. It's -- going back in hindsight, I can't
7 tell you if anybody, or who they would have been at
8 Resurgent that would have reviewed the complaint,
9 but they would have given the information on the
10 account over to the law firm and then a decision
11 would be made on whether or not to file suit.

12 Q. Okay. How did Resurgent communicate with
13 Blatt?

14 MR. FOSTER: Object to the form.

15 BY THE WITNESS:

16 A. Communicate -- I guess, what information
17 are you asking?

18 Q. Well, I'm asking how did Blatt and
19 Resurgent, you know, talk to each other; if there
20 was a problem or if they wanted to talk about a
21 certain account, how would that take place?

22 A. Communication can come in really every kind
23 of source that we currently have. It could be by
24 fax, or email, or a phone call. We also -- a good
25 part of our communication is done electronically.

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1 Our systems talk to each other and recognize certain
2 information and status codes to relay information
3 back and forth.

4 Q. Now, going back, breaking down what you
5 just said, you said your systems. What systems do
6 you use to talk to -- what systems did you use to
7 talk to Blatt?

8 A. Resurgent has created a system called AMCS.

9 Q. AMCS?

10 A. Yes, ma'am.

11 Q. Okay.

12 A. And the report that we looked at on Exhibit
13 C is the report from AMCS, and I don't know what
14 Blatt uses, but Blatt's system has to be compatible
15 with our system in order to receive and send
16 information.

17 Q. So, if a problem occurred -- if Blatt had a
18 problem or a -- if Blatt had a question concerning
19 one of the accounts that was placed with it by
20 Resurgent, Blatt could communicate with Resurgent
21 through AMCS?

22 A. That would be one of the ways. Yes, ma'am.

23 Q. Was AMCS in place when Ms. Torres' account
24 was placed with Blatt?

25 A. I am not sure what version of AMCS this is

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1 or what version might have operated at that time.
2 There's always been some electronic version, whether
3 it was called AMCS or something earlier. I guess
4 each version has maybe been created to add different
5 abilities as we grow in technology, so I'm not sure
6 if it was even called AMCS then, but there was
7 electronic sharing of information back and forth
8 even then.

9 Q. Can you turn to what is Bates stamped as
10 LVNV078?

11 A. Okay. I have it.

12 Q. Can you tell me what this document is?

13 A. It appears to be a trial call order in the
14 LVNV funding versus Virginia M. Torres case.
15 Granting of judgment.

16 Q. Have you seen this document before?

17 A. Yes, ma'am.

18 Q. When did you see this document?

19 A. It's in our records in prepping for the
20 deposition.

21 Q. Well, prior to that, had you ever seen this
22 document before?

23 A. I don't believe so.

24 Q. Would this type of document be kept in Ms.
25 Torres' file?

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1 A. Yes, ma'am.

2 Q. Why would it be kept in Ms. Torres' file?

3 A. Because it's a document pertaining to Ms.
4 Torres' account.

5 Q. Are all documents pertaining to Ms. Torres'
6 account stored or kept in Ms. Torres' file?

7 MR. FOSTER: Object to the form.

8 BY THE WITNESS:

9 A. Any document we receive on behalf of a
10 consumer is kept in our document repository.

11 Q. You said, "document repository"?

12 A. Uh-huh. Yes, ma'am.

13 Q. What is that? What is a document
14 repository?

15 A. It's just the section of the software
16 system that holds documents.

17 Q. Does Blatt have access to the document
18 respor -- I'm saying it wrong -- to that system?

19 A. No, ma'am.

20 Q. How would Resurgent retain this -- get this
21 type of document from Blatt?

22 A. Blatt would forward us this document.

23 Q. How would Blatt forward you this document?

24 A. Blatt could upload it to an FTP site, I'm
25 not sure if that was available in 06. Or they could

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1 have faxed it in to us or they could have sent it by
2 mail, which is somewhat slower, but any of those
3 means of communication.

4 Q. Now, did Resurgent require Blatt to send
5 all documents pertaining to an account?

6 A. No, ma'am. Not all documents.

7 Q. Which documents did Blatt not -- I mean,
8 which documents did Resurgent not require to be
9 forwarded to Resurgent?

10 A. I'm not sure, back in '06. That's
11 something I'd have to check on.

12 Q. Would Resurgent require this trial court
13 order to be forwarded to it by Blatt?

14 A. I believe so, because it created a judgment
15 in the record that the court maintained, so it would
16 be a significant change to the account.

17 Q. So, significant changes to the account were
18 required to be forwarded to Resurgent?

19 MR. FOSTER: Object to the form.

20 BY THE WITNESS:

21 A. Those are my words, that's -- I'm saying
22 that since there was a significant change, there was
23 now a judgment that existed on the account.
24 Resurgent doesn't use the terminology of "a
25 significant change."

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1 Q. You're saying that you're not quite -- you
2 said you're not sure what documents are required to
3 be forwarded to Blatt at this time -- I mean, to be
4 forwarded to Resurgent at this time. Is that
5 correct?

6 MR. FOSTER: Object to the form.

7 BY THE WITNESS:

8 A. Well, certainly back in 2006, I can't sit
9 here today and tell you yes or no on certain
10 specific documents. If Blatt would have sent a
11 notice to the consumer, Resurgent would ask that
12 Blatt maintain that record themselves in their own
13 file. They wouldn't have to send that record in to
14 Resurgent, but there would be an expectation and a
15 requirement that Blatt keep that in their files in
16 case Resurgent ever needed to see it.

17 Q. Can you turn to what is Bates stamped as
18 LVNV079?

19 A. 079?

20 Q. Uh-huh.

21 A. Okay. I have it.

22 Q. Have you seen this document before?

23 A. Yes, ma'am.

24 Q. Are you familiar with this document?

25 A. Yes, ma'am.

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1 Q. Can you tell me what this document is?

2 A. This is a letter dated September 24th,
3 2013, from the Debtors Legal Clinic by facsimile to
4 Blatt Hasenmiller from a Michael J. Wood.

5 Q. Can you tell me -- can you tell me what
6 case this document is referring to?

7 A. Yes, ma'am.

8 Q. What case is it referring to?

9 A. LVNV Funding, LLC, versus Virginia Torres
10 in Cook County court number 05-M1 or ML-192307.

11 Q. Now, can you tell me if it's referencing
12 the same -- can you tell me if this letter is
13 referring to the complaint that is Bates stamped as
14 LVNV074?

15 A. In reviewing them, it appears it does.

16 Q. Can you tell me if this document was
17 received by Blatt?

18 A. No, ma'am.

19 Q. You can't tell me if this document was
20 received by Blatt?

21 A. I see a stamp that says, "Received by
22 BHLN," I can assume that it was received by Blatt.

23 Q. You can assume that it was received by
24 Blatt because it says, "Rec/d September 24th of
25 2013"?

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1 A. Yes, ma'am, by the stamp at the bottom.

2 Q. Would Blatt have been required to forward
3 this letter to Resurgent?

4 A. I'm not -- Resurgent would have expected
5 Blatt to give us this information that is contained
6 in this letter, yes.

7 Q. When you say -- when you say, "Resurgent
8 would have expected Blatt to give you the
9 information contained in this letter, what
10 particular information would Resurgent have
11 expected?

12 A. Well, the letter advises that the Debtors
13 Legal Clinic represents Virginia Torres in this
14 case. Resurgent would have expected if there was an
15 attorney representing the consumer, that that
16 information would be forwarded back to Resurgent.

17 Q. Is there a reason why Resurgent would have
18 expected this type of information?

19 A. Yes, ma'am.

20 Q. What reason is that?

21 A. It's important that the company knows when
22 someone is represented by a lawyer.

23 Q. Why is it important?

24 A. Because Resurgent manages and services the
25 account for debt collection, and there's no

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1 communication with the consumer anymore, the
2 communication is done through the attorney.

3 Q. So, Resurgent needs this type of
4 information to know who to communicate with in
5 regards to the account that it has?

6 A. Yes, ma'am. It would need to.

7 Q. Did Blatt ever forward this letter to
8 Resurgent?

9 A. No, ma'am.

10 Q. When did Resurgent learn that this letter
11 existed?

12 A. I believe Resurgent learned of the
13 existence of this letter upon the filing of your
14 lawsuit.

15 Q. If Blatt had forwarded this letter to
16 Resurgent, what would Resurgent have done?

17 A. Resurgent would have noted the attorney
18 representation for Ms. Torres.

19 Q. How would resurgent have done that?

20 A. Well, Resurgent would have put it into the
21 AMCS system and that system would have kept the
22 information that the debtor or the consumer had an
23 attorney and listed the attorney information within
24 it.

25 Q. But since Blatt never forwarded this letter

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1 to Resurgent, it was never put into the AMCS system?

2 A. Yes, ma'am.

3 Q. Can you turn to what is Bates stamped, I
4 mean, I'm sorry, can you turn to what's been marked
5 as Exhibit A?

6 A. Okay.

7 Q. Can you tell me what this document is?

8 A. This document looks to be the complaint
9 that Ms. Torres filed in the U. S. District Court
10 for the Northern District of Illinois, Virginia
11 Torres versus LVNV Funding, LLC, and Nations
12 Recovery Center, Inc.

13 Q. Have you seen this document before?

14 A. Yes, ma'am.

15 Q. Are you familiar with this document?

16 A. A little bit.

17 Q. A little bit? Okay. Did you have a chance
18 to review the document before this deposition?

19 A. Yes, ma'am, I did.

20 Q. All right. So, if you could go to -- Can
21 you go to Exhibit I of Exhibit A?

22 A. Okay. I have it.

23 Q. Can you tell me what this document is?

24 A. It is a letter from the Debtors Legal
25 Clinic. This one is dated October 20th, 2013, to

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1 Andrews and Cox, doing business as Bleecker, Brody
2 and Andrews.

3 Q. Do you know what case this letter is
4 referencing?

5 A. It looks to be the same case. LVNV Funding
6 versus Virginia Torres.

7 Q. Can you tell me the relationship between
8 Bleecker, Brody and Andrews? I'll refer to them as
9 Bleecker from now on. Is that okay?

10 A. That's fine.

11 Q. Can you tell me the relationship between
12 Bleecker and LVNV Funding?

13 A. Bleecker was retained to represent LVNV
14 Funding.

15 Q. Can you tell me when Bleecker was retained
16 to represent LVNV Funding?

17 A. Probably not without looking at the AMCS
18 report, however, it would have been after judgment.

19 Q. Do you want to take a look at Exhibit C to
20 see exactly when Beecker was retained to represent
21 LVNV Funding?

22 A. Certainly. It would have been sometime
23 after 2010.

24 Q. Sometime after 2010?

25 A. Yes, ma'am.

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1 Q. All right. Earlier, you testified that it
2 would have been after default. How did you know
3 that Bleecker was retained after default?

4 A. No, I believe I said after judgment.

5 Q. Okay.

6 A. If that's the same.

7 Q. All right. No, they're different, so how
8 did you know that Bleecker was retained after
9 judgment?

10 A. Because in the judgment, Blatt was the
11 attorney of record for the collection action.
12 Bleecker was retained for collection on the
13 judgment.

14 Q. Okay. So, Resurgent retained -- so far,
15 Resurgent retained two attorneys to collect on this
16 account, on Ms. Torres' account?

17 A. Yes. Resurgent had retained Blatt on the
18 collection case and later Bleecker had been retained
19 for collection on the judgment.

20 Q. Does Resurgent usually retain two attorneys
21 to handle an account, one prior to judgment and one
22 after judgment?

23 A. They can sometimes use different law firms
24 for different actions.

25 Q. Can you tell me if Bleecker ever -- can you

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1 tell me how Bleecker communicated with Resurgent?
2 Was it the same way that Blatt did, through AMCS?
3 Through that system?

4 A. Bleecker could have provided information by
5 facsimile, by email, by phone or through electronic
6 records.

7 Q. When you say, "electronic records," are you
8 talking about the AMCS system?

9 A. Yes, Bleecker could have provided
10 information that could have been uploaded to the
11 AMCS system.

12 Q. Do you know if Bleecker ever -- do you know
13 if Bleecker received this document, this letter?

14 A. I do not know if Bleecker received this
15 letter. No, ma'am.

16 Q. Do you know if Bleecker -- can you tell me
17 if Bleecker ever forwarded this letter to LV -- to
18 Resurgent?

19 A. Resurgent did not have this letter in their
20 system.

21 Q. Would Resurgent have expected Bleecker to
22 forward this letter to it?

23 A. Resurgent -- yes, they would have expected
24 to either receive the letter or the information
25 contained in the letter.

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1 Q. Now what is the information contained in
2 the letter?

3 A. That the Debtors Legal Clinic represents
4 Ms. Torres in the LVNV Funding versus Virginia
5 Torres case.

6 Q. Resurgent would have expected this
7 information or this letter so it would have known
8 that Ms. Torres was represented by an attorney. Is
9 that a fair statement?

10 A. That would be fair. Yes, ma'am.

11 Q. What would Resurgent have done if they had
12 received this letter?

13 A. If Resurgent would have received an
14 attorney representation letter, Resurgent would have
15 notated that information within AMCS and would have
16 notated that the consumer was represented by an
17 attorney.

18 Q. Is this letter an attorney representation
19 letter?

20 MR. FOSTER: Object to the form of the question.

21 BY THE WITNESS:

22 A. Well, I can say that this letter says that
23 Ms. Torres is represented by the Debtors Legal
24 Clinic.

25 Q. Would you have coded this -- would

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1 Resurgent have coded this letter as an attorney
2 representation letter?

3 A. Yes, ma'am. They would have. I shouldn't
4 say, "they." We would have.

5 Q. Can you turn to Exhibit J of Exhibit A?

6 A. Okay.

7 Q. Can you tell me what this document is?

8 A. It is a notice of electronic filing in the
9 Circuit Court of Cook County for LVNV Funding versus
10 Virginia Torres.

11 Q. If you turn to the second page of Exhibit J
12 of Exhibit A -- are you there?

13 A. Yes, ma'am.

14 Q. Can you tell me what this document is?

15 A. It says, "Appearance and Jury Demand."

16 Q. Do you know who the appearance is being
17 filed? Can you tell?

18 A. It says, "the undersigned enters the
19 appearance of Torres, Virginia M.; Rodriguez,
20 Virginia by the Debtors Legal Clinic.

21 Q. Does Resurgent Capital usually receive
22 electronic filing of -- on accounts that they have
23 placed with collectors?

24 MR. FOSTER: Object to the form.

25 BY THE WITNESS:

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1 A. I mean, if our law firm -- if the law firm
2 representing LVNV sends it to us, we would have it.

3 Q. Can you go to page five of Exhibit J?

4 A. Okay.

5 Q. Is this another -- can you tell me what
6 this document is?

7 A. It's a notice of electronic filing in the
8 LVNV Funding versus Torres, Virginia case.

9 Q. Can you -- if you turn -- can you turn to I
10 think page 6 of Exhibit J?

11 A. Yes, ma'am.

12 Q. Actually, can you turn to page, I think --
13 turn to the next page. I think it's page 7.

14 A. Okay.

15 Q. Can you tell me what this is?

16 A. It's in the LVNV Funding, Virginia Torres
17 case. It's a 298 certification for waiver of fees,
18 representation by civil legal services provider
19 report, sponsor pro-bono program.

20 Q. Can you read -- can you read the
21 information right after that, it says, "Pursuant,"
22 starts with, "Pursuant"?

23 A. "Pursuant to Supreme Court Rule 298, the
24 undersigned counsel hereby certifies that she or he
25 is an attorney for the Debtors Legal Clinic, and it

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1 is a civil legal services provider or court
2 sponsored pro-bono program as defined in 735ILCS5/5-
3 105.5A, and that Debtors Legal Clinic has made the
4 determination that Torres, Virginia M., has income
5 of 125 percent or less of the current official
6 poverty guideline or is otherwise eligible to
7 receive services under the eligibility guidelines of
8 the civil legal services provider or court sponsored
9 pro-bono program."

10 Q. Okay.

11 A. Do you want me to keep going?

12 Q. Yes.

13 A. "As a result, under Supreme Court Rule 298,
14 Torres, Virginia M., is eligible to sue or defend
15 without payment of fees, costs or charges as defined
16 at 735ILCS5/5-105 subsection A, subsection 1,
17 electronically signed by Andrew Finko, F-i-n-k-o,
18 attorney certification."

19 Q. Can you tell me when this was filed?

20 MR. FOSTER: Object to the form. I don't think
21 this is a document that --

22 MS. CHATMAN: At the top it says,
23 "electronically filed."

24 MR. FOSTER: But she has no knowledge of that,
25 Celetha, you know, this is not anything that they

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1 would know. It's a court record. If you want her
2 to read what she can read off the document, I guess,
3 but I object to the form of the question. You're
4 asking her if she knows when this was filed, and I'm
5 just saying that it's beyond the foundation.

6 MS. CHATMAN: Okay. This is a lawsuit that LVNV
7 filed, so I'm asking their representative about the
8 document that it directs its attorneys to file on
9 its behalf.

10 MR. FOSTER: No, Celetha, if you look at the
11 document, this is a document that was not filed by
12 anyone representing LVNV, but by someone by the name
13 of Andrew Finko. If you want to know who -- when
14 this was filed, that's a thing you need to ask
15 Andrew Finko because that's the person whose name is
16 on this document.

17 MS. CHATMAN: Okay. I'm asking about the case
18 which LVNV directed its attorney to file, about
19 documentation. If LVNV sues consumers, then they
20 need to know what's going on in the cases that they
21 sue on.

22 MR. FOSTER: Celetha, my objection is that
23 you're asking her about when this document was filed
24 and I'm telling you, the witness here and the
25 defendant here, they do not have the foundation to

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1 know when, in fact, Mr. Finko, when he allegedly
2 filed this document. That's my only point.

3 MS. CHATMAN: Okay. I'm just asking her -- it
4 says at the top that it was electronically filed.
5 I'm asking her to say the date.

6 BY THE WITNESS:

7 A. The date under the -- I'm sorry?

8 MR. FOSTER: Go head, you can read from the
9 document.

10 BY THE WITNESS: (Continuing)

11 A. Yes, the document says, "electronically
12 filed on February 3rd, 2015." There is a filed at
13 the top in '16. I don't know what that means.

14 Q. Would Resurgent ever have received this
15 type of document?

16 MR. FOSTER: Object to the form of the question.

17 BY THE WITNESS:

18 A. Well, that's kind of hard to say.
19 Resurgent receives lots of documents from their
20 attorneys.

21 Q. What type of documents does Resurgent
22 usually receive from its attorneys?

23 MR. FOSTER: Object to the form.

24 BY THE WITNESS:

25 A. I mean, it truly can be anything. It could

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1 be liens, or discovery or just anything the attorney
2 forwarded for Resurgent to maintain -- or, not to
3 maintain, but to hear, "this is what's going on, on
4 the account."

5 Q. Okay. Can you go to Exhibit K of Exhibit
6 A?

7 A. Okay.

8 MR. FOSTER: There is no Exhibit K to Exhibit A.
9 Maybe it got separated? The last one we have is J.

10 BY THE WITNESS: (Continuing)

11 A. Wait. Here's K -- H, I, J, K.

12 MR. FOSTER: Oh wait, sorry, there it is.

13 BY THE WITNESS: (Continuing)

14 A. Oh, K's before J.

15 Q. Yeah. I think K is small.

16 A. Okay.

17 Q. Are we at K?

18 A. I believe so.

19 Q. Have you seen this document before?

20 A. I've seen this document -- yes, with this
21 complaint.

22 Q. Okay. You haven't seen the document any
23 other time?

24 A. I do not believe so.

25 Q. Did you have a chance to review this

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1 document before today's deposition?

2 A. I did, yes.

3 Q. Can you tell me what this document is?

4 A. It is a transmittal letter from Miller and
5 Steeno, P.C., in the LVNV Funding, Virginia Torres
6 case, dated February 16th of 2015.

7 Q. Can you tell me who Miller and Steeno,
8 P.C., is?

9 A. They're a law firm that was retained to
10 collect on the judgment for this account.

11 Q. When was Miller and Steeno retained to
12 collect on the judgment?

13 A. I believe somewhere around 2014.

14 Q. Is this the second firm that retained to
15 collect on the judgment on this account?

16 A. I believe so.

17 Q. Now, who did Miller and Steeno send this
18 letter to?

19 A. It is directed to Andrew Finko.

20 Q. Can you tell me the date that they sent it?

21 A. Certainly. February 16th, 2015.

22 Q. Can you tell me what the letter says? Can
23 you read that out loud?

24 A. Yes. "It is my understanding that you are
25 going to represent Virginia M. Torres in the above

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1 referenced matter. Please let me know your position
2 in this matter and if we can reach some sort of
3 amicable resolution."

4 Q. Do you know why Miller and Steeno sent this
5 letter to Andrew Finko?

6 A. No, ma'am.

7 Q. No? Okay. Did Resurgent ever authorize
8 Miller and Steeno to communicate with Andrew Finko?

9 MR. FOSTER: Object to the form.

10 BY THE WITNESS:

11 A. Well, Resurgent had no knowledge of Andrew
12 Finko at this time, but the account --

13 Q. I -- I'm sorry. You can continue.

14 A. The account was with Miller and Steeno for
15 collection on the judgment.

16 Q. But you aren't sure how Miller and Steeno
17 knew to contact Andrew Finko?

18 A. I don't -- I'm not aware of how Miller and
19 Steeno knew to contact Andrew Finko.

20 Q. Is it fair to say that Miller and Steeno
21 acknowledged that Mr. Finko was representing Ms.
22 Torres in this matter?

23 A. I think it's fair to say the letter speaks
24 for itself.

25 Q. So, what does that mean?

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1 A. That it says it's their understanding that
2 Mr. Finko was going to represent Ms. Torres.

3 Q. Okay. I am going to take a ten-minute
4 break. We're at the hour mark, so I'm going to take
5 a ten-minute break.

6 (OFF RECORD)

7 BY MS. CHATMEN: (Continuing)

8 Q. If I could draw your attention back to
9 Exhibit K of Exhibit A?

10 A. Okay.

11 Q. Did Miller and Steeno, P.C., ever inform --
12 ever inform Resurgent that Ms. Torres was
13 represented by an attorney?

14 A. No, ma'am.

15 Q. Would you have expected -- would Resurgent
16 have expected Miller and Steeno, P.C., to inform it
17 of Ms. Torres' representation by counsel?

18 A. Yes, ma'am.

19 Q. If Miller and Steeno had informed Resurgent
20 that Ms. Torres was represented by counsel, what
21 would have happened? What would Resurgent have
22 done?

23 A. One thing Resurgent would have done would
24 have been to notate that in the AMCS system. The
25 debtor name tab would also reflect attorney

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1 information.

2 Q. Would Resurgent have done anything else?

3 A. There are other indicators in AMCS. A note
4 could have been placed in the system along with a
5 status code that indicated that there was an
6 attorney -- there's other flags and things in the
7 system that could have notated that there was a
8 debtor attorney.

9 Q. What other flags in the system, beside,
10 like a note?

11 A. Well, there are status codes. The status
12 code of ATT is when a consumer is represented by an
13 attorney; and Miller and Steeno, if they had
14 contacted by phone or facsimile or received this
15 letter, someone on behalf of Resurgent, when they
16 received it, would have put the account into that
17 code.

18 Q. Does Resurgent review -- does Resurgent
19 review any letters that Miller and Steeno sends out
20 to consumers?

21 A. I'm not aware of any that they would
22 review, that an attorney would write. No, ma'am.

23 Q. If you could go back to Exhibit B? Leave
24 Exhibit K out.

25 A. What was the other Exhibit?

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1 Q. K. Exhibit K of Exhibit A.

2 A. Okay.

3 Q. For the record. If you -- in looking at
4 Exhibit B, if you could --

5 MR. FOSTER: Is that B as in boy? I'm sorry. Is
6 that B as in boy?

7 MS. CHATMAN: No. D as in dog. Exhibit D. I'm
8 sorry.

9 BY THE WITNESS:

10 A. Okay.

11 Q. If you can go to what is Bates stamped as
12 LVNV079?

13 A. Okay. I have it.

14 Q. Do you know why Blatt never forwarded this
15 letter to Resurgent?

16 A. No, ma'am.

17 Q. If you can go to -- if you can go to,
18 sorry, if you can go to Exhibit I of Exhibit A?

19 A. I believe I'm there.

20 Q. Do you know why Bleecker never forwarded
21 this letter to Resurgent?

22 A. No, ma'am.

23 Q. Now, let's go back to Exhibit K of Exhibit

24 A.

25 A. Okay.

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1 Q. Does Resurgent require Miller and Steeno to
2 notate when it talks to an attorney in regards to a
3 consumer account that's been placed with it?

4 MR. FOSTER: Object to the form.

5 BY THE WITNESS:

6 A. I'm sorry. Can you say that again?

7 Q. Sure. I'll try to rephrase. Does
8 Resurgent require its attorneys to notate when they
9 speak to consumer attorneys?

10 MR. FOSTER: Object to the form.

11 BY THE WITNESS:

12 A. I guess it would really mean, what you mean
13 by notate. Resurgent expects for its lawyers and
14 its services to comply and follow all laws, whether
15 they be state, federal, local. Any contact with a
16 consumer in finding out they have an attorney and
17 you're aware of that, that is something that we
18 would expect -- information we would expect to be
19 sent back to us.

20 Q. Are there any procedures or policies that
21 Resurgent gives its attorneys to follow when
22 handling its accounts?

23 A. There can be.

24 Q. What are -- when are -- okay, what are
25 those policies that are made, or -- scratch that --

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1 when does Resurgent give its attorneys policies and
2 procedures?

3 A. All the attorneys or all the servicing
4 firms, the law firms that work on behalf of
5 Resurgent can have policies and procedures related
6 to any aspect of the case. A lot of it is just how
7 to communicate how the electronic system works with
8 the communications back and forth.

9 Q. So, if -- I'm trying to understand. If I'm
10 understanding you correctly, Resurgent does have
11 policies and procedures that it gives its attorneys
12 or it doesn't?

13 A. It does.

14 Q. Do you know if it gave Miller and Steeno
15 any policies and procedure?

16 A. I know that Miller and Steeno would have --
17 anything that we would produce to our attorneys, we
18 would produce to Miller and Steeno.

19 Q. I don't -- I guess I don't -- when you say,
20 "anything that Resurgent has," what do you mean?

21 A. Well, I guess -- and I don't want to
22 confuse the thing -- Resurgent would not tell Miller
23 and Steeno how to practice law within the lawsuit.
24 We retain them because they're professional and
25 they're licensed in their jurisdiction to handle all

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1 matters of the law, however, when you're relaying
2 information back and forth and also different people
3 in the company that you could contact, there are
4 policies and procedures in doing that and Resurgent
5 makes sure that all of its servicers and its firms
6 have those policies and procedures.

7 Q. So, would Bleecker have gotten those
8 policies and procedures?

9 A. Bleecker should have been aware of any of
10 those policies and procedures.

11 Q. What about Blatt? Would they have been
12 aware?

13 A. Yes, ma'am.

14 Q. Are they made aware when the account -- are
15 they -- are your -- scratch that. Is Resurgent's
16 attorneys made aware of these policies and
17 procedures when the accounts are first placed with
18 them?

19 A. Yes, ma'am. They should all have that
20 information.

21 Q. Is that information called a certain thing?

22 A. It can be, I mean, we have attorney
23 information that we put together. There's also
24 memos if things come in different jurisdictions that
25 come up that change, where maybe the law firm or an

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1 agency has reached back to us and said, "Hey, we've
2 had this happen, what would you like us to do," so
3 there could be memorandums back and forth.

4 Q. Can you tell me the relationship between
5 Resurgent and Nations Recovery Center, Incorporated,
6 who I'll refer to as NRC?

7 A. Besides Resurgent -- there is no
8 relationship besides NRC was retained to collect on
9 the judgment.

10 Q. Would NRC have been the third firm retained
11 to collect on a judgment of Ms. Torres' account?

12 MR. FOSTER: Object to the form of the question.

13 BY THE WITNESS:

14 A. I'm not really sure if they were only the
15 third, but they were one of the agencies to collect
16 on the account after the judgment.

17 Q. How many agencies were retained to collect
18 on the judgment?

19 A. I'm not sure, sitting here today.

20 Q. Could you tell from your account notes?

21 A. No, ma'am. I believe we've named all of
22 them, but I just can't say with 100 percent sure.

23 Q. But you will say that Bleecker was retained
24 to collect after the judgment, Miller was retained
25 to collect after the judgment, and Nations was

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1 retained or NRC was retained to collect after the
2 judgment as well. Right?

3 MR. FOSTER: Object to the form of the question.
4 Misstates her testimony.

5 BY MS. CHATMAN: (Continuing)

6 Q. Okay. Was Bleecker retained by Resurgent
7 to collect after the judgment on Ms. Torres'
8 account?

9 A. Bleecker was retained on behalf of
10 Resurgent to collect on Ms. Torres' account after
11 judgment.

12 Q. Was Miller retained by Resurgent to collect
13 on Ms. Torres' behalf after the judgment?

14 A. Miller and Steeno was retained to collect
15 on the account after the judgment.

16 Q. Was NRC retained to collect on Ms. Torres'
17 account after the judgment?

18 A. Yes.

19 Q. So, you just testified that that was three
20 different agencies hired to retain on Ms. Torres'
21 account after the judgment. Is that correct?

22 MR. FOSTER: Objection to the form. Misstates
23 her testimony. I think, Celetha, what you're
24 leaving out is the timeframe. Your question seems
25 to make it seem like all these were retained at the

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1 same time. If you could clarify your question
2 regarding the timeframe, I think you'll find out
3 that each one of these was retained at separate
4 times over a period of time and that would probably
5 move this along.

6 BY MS. CHATMAN: (Continuing)

7 Q. When was NRC retained to collect on Ms.
8 Torres' account after the judgment?

9 A. Let me review the records just to be --

10 Q. Okay.

11 A. They would have been retained around
12 February 2016.

13 Q. February 2016?

14 A. '16, yes, ma'am.

15 Q. Do you know how Resurgent determines which
16 agency it places accounts with?

17 A. I believe that's handled by some system
18 logic that's placed into the -- that's placed into
19 the electronic system by our data management team.

20 Q. Was Resurgent aware of Ms. Torres'
21 representation by counsel when it placed her account
22 with NRC?

23 MR. FOSTER: Object to the form.

24 BY THE WITNESS:

25 A. No, ma'am. Resurgent was not aware of who

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1 Ms. Torres' counsel -- that there was counsel
2 currently representing Ms. Torres when we placed the
3 account with NRC.

4 Q. Do you know if Resurgent would have placed
5 Ms. Torres's account with NRC if it had known of
6 attorney representation?

7 A. I am personally not sure if NRC has
8 attorneys working. I find it doubtful that
9 Resurgent would have placed it with someone that was
10 not an attorney when there was an attorney on the
11 other side.

12 Q. So you're saying it's doubtful that they
13 would have placed it with NRC if they had known?

14 A. Yes, ma'am. Sitting here today. Usually
15 when a consumer is represented by an attorney, we
16 want the account placed with another law firm so our
17 attorney can speak with their attorney.

18 Q. And it's your understanding that NRC is not
19 a law firm?

20 A. If they're a law firm, I'm just not aware
21 of it. That's my understanding today. I'm not
22 sure.

23 Q. Do you know why Ms. Torres' account was
24 placed with NRC?

25 A. For collection on the judgment.

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1 Q. Does Resurgent have any policies in place
2 to ensure that accounts with attorney representation
3 are placed with law firms?

4 A. That is the policies and procedures of
5 Resurgent. When a consumer retains an attorney,
6 Resurgent will place it with an attorney in that
7 jurisdiction that can speak to the legal aspects of
8 the case.

9 Q. Now, is that somewhere in any type of
10 manual, that procedure that you just talked about?

11 A. I would have to check and see.

12 Q. Do you know if those procedures were in
13 place when Ms. Torres' account was placed with NRC?

14 A. Yes, ma'am.

15 Q. Were they in place?

16 A. Yes, ma'am.

17 Q. How do you know they were in place?

18 A. Just because I work with those policies and
19 procedures every day and that was only eleven months
20 ago. I've been at Resurgent for -- going on six
21 years and they've been in place that long.

22 Q. Can we turn to what has been marked as --
23 actually no, let's go back. Did Resurgent authorize
24 NRC to place phone calls to Ms. Torres?

25 MR. FOSTER: Object to the form.

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1 BY THE WITNESS:

2 A. Resurgent authorized NRC to have the
3 account to collect on judgment.

4 Q. Does that include the authority to call --
5 to place calls to Ms. Torres?

6 A. I'm not sure what "authority" means. They
7 were retained as third parties to review the account
8 and see if collection could be made on this
9 judgment.

10 Q. How do they see if collection could be made
11 on the judgment?

12 MR. FOSTER: Object to the form.

13 BY THE WITNESS:

14 A. I'm not sure. That would be on NRC.

15 Q. Do you know whether NRC called Ms. Torres?

16 A. My understanding is that they did.

17 Q. Did Resurgent give them the right to call
18 Ms. Torres?

19 MR. FOSTER: Object to the form of the question.
20 Asked and answered.

21 BY THE WITNESS:

22 A. I'm not really sure how to answer that.
23 I'm not sure that -- Resurgent placed the account
24 with NRC to see if collection could be made on the
25 judgment.

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1 Q. I guess I'm not understanding. You keep
2 saying, "to determine whether collection could be
3 made on this judgment," but what type of things are
4 done to determine whether or not collection can be
5 made on the judgment? Like, what do you mean by
6 that?

7 A. Well, I mean that Resurgent would place the
8 account and if NRC looked at the judgment and for
9 some reason felt like it wasn't something that they
10 -- was in their jurisdiction or an account that they
11 didn't want to work, they could always have the
12 right to say, no, they didn't want to work that
13 account. They didn't want to be hired.

14 Q. Now, how does -- do you -- how does NRC
15 work an account?

16 MR. FOSTER: Object to the form. Lack of
17 foundation.

18 BY THE WITNESS:

19 A. I don't know. I've never worked for them.
20 I just know that they do have the right to be hired
21 to collect on the account, or they could turn down
22 an account.

23 Q. But the right -- but you're not quite sure
24 what the right to collect on an account means, or
25 what that entails?

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1 MR. FOSTER: Object to the form.

2 BY THE WITNESS:

3 A. No.

4 Q. Do you know how NRC communicates with
5 consumers?

6 A. No, ma'am.

7 Q. When you placed Ms. Torres' account with
8 NRC, did Resurgent know if NRC was going to
9 communicate with Ms. Torres?

10 MR. FOSTER: Object to the form.

11 BY THE WITNESS:

12 A. I think Resurgent believed that NRC could
13 take any action that they legally were able to take
14 in order to collect on the judgment.

15 Q. Does Resurgent know what is legally
16 actionable?

17 MR. FOSTER: Object to the form.

18 BY THE WITNESS:

19 A. What does "legally actionable" mean?

20 Q. I'm not sure. You used -- those were your
21 words.

22 A. Oh. Well, by those words, I mean when
23 Resurgent retains, whether it's a servicing firm, a
24 collection agency or whether it's a law firm, we ask
25 that they comply with all laws, whether they be the

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1 FDCPA, F -- probably not the FCRA, but TCPA,
2 whatever is required. So, as any servicer on behalf
3 of Resurgent works an account, we expect them to
4 comply with all those laws. So, when you asked did
5 we give them the right to call, only if it's legally
6 okay to call. That was a decision they would have
7 to make at that point in time, "they" being, NRC.

8 Q. How does NRC communicate with Resurgent?
9 Is it the same way that the other firms communicate
10 with Resurgent?

11 MR. FOSTER: Object to the form.

12 BY THE WITNESS:

13 A. NRC can use any of the same methods.

14 Q. So, could NRC use the AMCS system?

15 MR. FOSTER: Object to the form of the question.
16 Misstates the testimony.

17 BY THE WITNESS:

18 A. Yes, NRC can't use AMCS software, but they
19 could have software that allows them to send files
20 encrypted that would support the AMCS and provide us
21 information.

22 Q. Could NRC communicate with Resurgent via
23 email?

24 A. Certainly.

25 Q. Now, if NRC communicated with Resurgent in

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1 regards to Ms. Torres' account, where would those
2 communications be?

3 MR. FOSTER: Object to the form.

4 BY THE WITNESS:

5 A. It would just depend on what the
6 communication was, but there should be some evidence
7 of them within the AMCS system.

8 Q. Is there a reason communications wouldn't
9 be stored in the AMCS system?

10 A. No.

11 Q. I would like to draw your attention to
12 Exhibit C, I think which you testified was a work
13 account note.

14 A. Okay.

15 Q. Now, if there was any type of communication
16 -- if NRC had communicated with Resurgent in regard
17 to Ms. Torres' account, would they be located in
18 this exhibit, or in these account notes, sorry?

19 A. It should be.

20 Q. It should be?

21 A. Yes, ma'am.

22 Q. So, from your review of this -- from your
23 review of these account notes, did NRC ever
24 communicate with Resurgent in regards to Ms. Torres'
25 account?

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1 MR. FOSTER: Object to the form.

2 BY THE WITNESS:

3 A. Well, it's a little hard to say without
4 knowing what exact communication you would be --
5 without knowing what exact communication you're
6 speaking of.

7 Q. Sure. I guess I would be speaking of
8 attorney representation communication.

9 A. Such as a letter?

10 Q. A letter, a phone call, anything. What
11 does a communication from NRC look like in these
12 account notes? Can you show me?

13 A. I will see if I can locate one. There
14 could be a status code on page 32 of 55.

15 Q. 32?

16 A. Yes, ma'am.

17 Q. Where would that status code be at? I'm
18 sorry, page 25 you said?

19 A. It's LVNV032.

20 Q. 32, sorry. Okay, I'm there.

21 A. Under collection status history, the date
22 of February 19th, 2016, the LCO indicates that they
23 were starting legal collections.

24 Q. Now, hold on one second. You say the
25 "LCO," what is that? I don't see that. Show me

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1 where that is?

2 A. The second line down. The date says
3 February 19th, 2016?

4 Q. Uh-huh.

5 A. And it says, "LCO - Legal collection
6 started?

7 Q. Uh-huh.

8 A. That would have been provided by a servicer
9 or a logic change, and so the LJO above it on
10 February 24th, 2016, --

11 Q. Uh-huh.

12 A. -- would have come from the servicer that
13 they found -- that they see the legal -- not really
14 they found, they see the legal judgment that was
15 obtained on the account. That's the only indication
16 I can find of any information from NRC.

17 Q. How do you know that it's from NRC though?
18 Just, just -- I don't see anything that says NRC, so
19 how do you know?

20 A. At the very end of the line on February
21 24th, the ap name is SUF, it's called a Servicer
22 Update File.

23 Q. Okay. You said after -- can you say that
24 again?

25 A. On February 24th, 2016?

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1 Q. Uh-huh.

2 A. The very last tab says SUF?

3 Q. Uh-huh.

4 A. It's a servicer update file.

5 Q. Uh-huh.

6 A. Any information, any status change to the
7 account that once NRC had it would have come to
8 Resurgent that way. It's how the systems speak to
9 each other.

10 Q. So, that's how you -- okay. Are all these
11 other -- if you go down the line to like 10/1/2015,
12 and then on -- it says, at the end it says, SUF. Is
13 that from NRC too?

14 A. No, ma'am. It would be with whatever
15 servicer had the account at that time.

16 Q. And you told me -- how do you tell which
17 servicer has the account at the time?

18 A. Just based on the time period of the
19 placement.

20 Q. Okay. Okay. All right. Can you go back
21 to the beginning of Exhibit C?

22 A. Yes, ma'am.

23 Q. Can you go to "borrower, phone, current"
24 and then can you go to debtor? Now, can you go to
25 the first one. I'm looking at the first phone

1 number, [REDACTED]?

2 A. Yes.

3 Q. Is that the phone number that LVNV had for
4 Ms. Torres, or Resurgent had for Ms. Torres?

5 A. It's the home phone number that -- the
6 current one that we had at that time.

7 Q. Was Ms. Torres' phone number provided to
8 NRC?

9 A. It would have been. Yes, ma'am.

10 Q. Now, let's go down to the [REDACTED]
11 number.

12 A. Okay.

13 Q. Was this a work number that Resurgent had
14 on file for Ms. Torres?

15 A. That's what it says. I'm sorry. I didn't
16 mean that sarcastically, I mean, that's how it's
17 labeled here in the system that that is a work
18 number.

19 Q. Okay. Now, would Resurgent have provided
20 that number to NRC?

21 A. Yes, ma'am.

22 Q. Could you go to what is Bates stamped as
23 LVNV002?

24 A. Okay.

25 Q. Can you go to where it says, the first

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1 little line there, it says debtor, then it says
2 attorney. Do you see where I'm at?

3 A. Yes.

4 Q. Under name, it says cease and desist and
5 then under address, it says cease and desist. Do
6 you know why this information was put in here?

7 A. No, ma'am.

8 Q. Did you say, "No, ma'am"?

9 A. No, I do not.

10 Q. Do you know what this information means?

11 A. No.

12 Q. Who would know?

13 A. I'm not sure, because usually there are
14 initials when people add things and I don't have
15 anything here to indicate who placed the cease and
16 desist information.

17 Q. Do you know -- do you have any idea when
18 this information was put in?

19 A. No, ma'am.

20 Q. Is there any way you could find out?

21 A. I can certainly try.

22 Q. Okay. If you go to the second row, it says
23 debtor, it says attorney, then it says name, Michael
24 J. Wood, and it gives an address and a suite number.
25 Do you see that?

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1 A. I do, yes.

2 Q. Do you know when this information was put
3 into the system?

4 A. No, ma'am.

5 Q. Is that because there's no signature or no
6 initials?

7 A. Because there's no initial nor is there any
8 kind of date time stamp of it.

9 Q. Is there usually a date or a time stamped
10 on something like this?

11 A. Most fields do. Any other fields, we would
12 have to -- it would probably be an IT question.

13 Q. So, just so I understand you correctly, are
14 you saying that there's just no field for that
15 information, that's why it's not provided?

16 A. It's not -- exactly, it's not reflected.

17 Q. Right. Yeah, is that because there's just
18 no -- there's no field for it?

19 A. I mean that would be my assumption, yes.

20 Q. Now, in the account notes, where would
21 attorney representation at, like how would it be
22 notated, like where would you put it, where would it
23 be in the AMCS system?

24 A. Well, I would expect to see it in the notes
25 section, that someone had received information of an

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1 attorney, and it also could be in the status code
2 section.

3 Q. Okay, when you say "note section," what
4 section are you referring to?

5 A. Let me see if I can find it. It's on the
6 next page, LVNV003.

7 Q. Okay.

8 A. And it's entitled "account notes."

9 Q. Okay. So, somewhere in this information,
10 it would be here?

11 A. Yes, ma'am.

12 Q. Just from my quick look, you know, I know
13 you guys have redacted some information. I'm not
14 asking you, obviously, what was said or anything
15 like that, but it looks like on 11/9 of 2015 that
16 there was some type of communication from Blatt. Is
17 that correct?

18 A. Yes, ma'am.

19 Q. Now, what is -- I'm looking at this file
20 2/20/13 note, are you there?

21 A. Yes.

22 Q. In the note section, there are some notes
23 in there. Can you tell me what those notes mean?

24 A. This is the logic, so every time -- if the
25 system makes a change to the account, the logic

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1 itself will place a note in.

2 Q. Uh-huh.

3 A. And that's what happened on 5/2/2013, it
4 looks like it basically pulled the account and
5 rolled it back to the law firm of Eltman, Eltman and
6 Cooper.

7 Q. Okay, when you say "rolled back," what do
8 you mean? Does it -- does that mean that it placed
9 the account with Eltman, Eltman and Cooper, P.C.?

10 A. Yes, ma'am.

11 Q. And the system does that automatically?

12 A. Places the note there?

13 Q. Uh-huh.

14 A. Yes, ma'am.

15 Q. All right. If you go to that 5/2/2013
16 date, the next date, is that the same information
17 just dated twice?

18 A. Yes. There's two different notes. One's
19 -- they're like a minute apart.

20 Q. Is it saying the same thing?

21 A. Yes, in short it is. I don't know why the
22 logic puts two there. I'm sure that's a data
23 management reason.

24 Q. If you go to 5/1/2013, are you there?

25 A. Yes.

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1 Q. Under note types it says, -- well, under --
2 under -- not note types, but under notes, do you see
3 where it says notes?

4 A. Yes, ma'am.

5 Q. Can you tell me what that note means?

6 A. That the account had been approved to go
7 back to Eltman Law Firm.

8 Q. Then, who -- okay -- who's Kylan Hawthorne?

9 A. Kylan Hawthorne?

10 Q. Uh-huh.

11 A. Is an employee at Resurgent in the
12 inventory management department.

13 Q. Are these his notes?

14 A. These are her notes, yes, ma'am.

15 Q. Okay.

16 A. Well, I apologize, they're actually not her
17 notes. They are the notes of Wayne Davis.

18 Q. Wayne Davis. Okay. How do you know that?

19 A. Under the "created by" tab, it's W. Davis.

20 Q. Oh. Oh. Okay. Now, at 12/2/2010, are you
21 at that note?

22 A. Yes, ma'am.

23 Q. Can you tell me under the notes section,
24 what that section means?

25 A. It says, "account balance" -- in his short

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1 hand, I believe, "verified to reflect best possible
2 post judgment balance."

3 Q. Can you tell me what that means?

4 A. I would assume that it means someone wanted
5 to check what the judgment balance was.

6 Q. Okay. Then, if you go down to the payment
7 information, this second section, it just has --
8 what is being listed in the payment information
9 section? I see you have -- can you tell me what
10 these sections mean, like trans date, post date,
11 transaction, of course, transaction amount, trans
12 code?

13 A. It's just the system is trying to tabulate
14 and keep a balance of what accruing the interest
15 would actually be.

16 Q. Can you tell me who CenterPoint Legal
17 Solutions, LLC, is?

18 A. It's a servicing firm.

19 Q. A servicing firm?

20 A. Yes, ma'am.

21 Q. What are they servicing?

22 A. Resurgent retains them and they place the
23 account with law firms.

24 Q. Resurgent retained CenterPoint?

25 A. Yes, ma'am.

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1 Q. And then CenterPoint placed it with -- then
2 CenterPoint will place it with an agency or another
3 entity?

4 A. Yes, ma'am.

5 Q. When did Resurgent hire CenterPoint for
6 servicing on Ms. Torres' account?

7 A. It was around -- in February, 2016.

8 Q. In February of 2016? Can you tell me who
9 the servicer was prior to that?

10 A. InvestiNet, LLC.

11 Q. I'm sorry. I didn't hear you. Can you say
12 that again?

13 A. InvestiNet, it's I-n-v-e-s-t-i-N-e-t.

14 Q. InvestiNet, okay. Can you tell me -- can
15 you go to what's date stamped as LVNV004 of Exhibit
16 D?

17 A. Okay.

18 Q. Can you go to the first 2/19/2016 date?

19 A. 2016?

20 Q. Yeah, 2016, sorry.

21 A. Yes.

22 Q. Can you tell what FTM system means?

23 A. Certainly. It's a portion of AMCS. It's
24 -- I think it stands for Financial Transaction
25 Management. It's part of AMCS.

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1 Q. Part of AMCS, but that's not a servicer?

2 A. No, ma'am.

3 Q. Now, what does -- if you go to the row
4 over, it says, 000, then it says bring cost to 0.
5 What does that mean?

6 A. If I go up, bring cost to 0?

7 Q. Uh-huh.

8 A. The system recognizes that the account's
9 now going to be sent over to CenterPoint.

10 Q. Uh-huh.

11 A. And if InvestiNet, the previous servicer
12 had cost, my understanding is that the cost would go
13 back to 0.

14 Q. Can you go to that next line for 2/19/2016,
15 and it says, under the trans amount, it says, 000
16 and it says, bring interest to 0. What does that
17 mean?

18 A. Just to bring the interest back to 0.

19 Q. Well, why are you bringing interest back to
20 0?

21 A. It's -- the system tracks -- tries to keep
22 track along with the servicing firms as to what it
23 should be, so at that point the system was going to
24 allow CenterPoint to calculate what they believe the
25 interest would be and the system went back to 0.

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1 Q. I see. Now, can you tell me when Resurgent
2 hired InvestiNet to service Ms. Torres' account?

3 A. I'm sorry. Say that again?

4 Q. Can you tell me when Resurgent hired
5 InvestiNet to service Ms. Torres' account?

6 A. Yes, I can. Hold on one second. It would
7 have been on March 28th, 2014.

8 Q. March 28th, 2014. Okay. Now, can you tell
9 me if there were -- if Resurgent hired another
10 servicer prior to June 24th of 2016, I mean, sorry,
11 prior to March 28th, 2014?

12 A. If they hired another one?

13 Q. Yeah.

14 A. Yes, ma'am.

15 Q. Who did they hire?

16 A. Eltman Law Firm, or Eltman, Eltman and
17 Cooper, I believe.

18 Q. So, Eltman, Eltman and Cooper. Okay. When
19 did Resurgent hire Eltman, Eltman and Cooper?

20 A. December 2nd, 2010.

21 Q. December 2nd. Do you know how long Eltman
22 and Cooper were servicing Ms. Torres' account?

23 A. Until March 28th, 2014, when it went to
24 InvestiNet.

25 Q. Just for my clarification, the servicer and

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1 the collection agency or the law firm, they are two
2 different entities. Right?

3 A. I'm sorry. Say that again?

4 Q. The two -- we're talking about the servicer
5 and then who they hire, they are two separate
6 entities. Right?

7 MR. FOSTER: Object to the form.

8 BY THE WITNESS:

9 A. I don't know.

10 Q. You don't know?

11 A. I guess I don't know.

12 Q. But, would -- would it be -- would Eltman
13 Law -- for instance, would Eltman Law, P.C., be the
14 servicer hiring a law firm to collect on Ms. Torres'
15 account?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. CHATMAN: All right. We are at the two-hour
19 mark, so I'm going to take another ten-minute break.

20 (BRIEF RECESS)

21 BY MS. CHATMAN:

22 Q. If we could go to -- back to Exhibit C and
23 then what's date stamped as LNVN033?

24 A. Okay, I have it.

25 Q. Now, it says "a placement history." Do you

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1 see where I'm at "placement history"?

2 A. Yes, ma'am.

3 Q. What is this a placement history of?

4 A. Of the account.

5 Q. It says placement, but is this the
6 placement history of the servicer?

7 A. Yes, from October 2009 going forward.

8 Q. Now, I know LVNV bought the debt in --
9 before 2009, who was the server before 2009?

10 A. Well, Blatt was the servicer that received
11 the judgment, but this placement history only goes
12 from 2009 forward.

13 Q. Okay. If you could go to what is Bates
14 stamped as LVNV037 of Exhibit C?

15 A. Okay. I'm there.

16 Q. It says, "documents in OnBase." What does
17 that mean?

18 A. OnBase is the document repository software
19 that we use.

20 Q. Under document types, are these a list of
21 documents that LV, I mean, is this a list of
22 documents that Resurgent has in its document
23 depository?

24 A. Yes, ma'am.

25 Q. So, the first document, it says, "LS

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1 Judgment," is that correct that it says, doc type
2 and then it says LS judgment?

3 A. Yes.

4 Q. What -- what is that referring to? Do you
5 what type -- do you know what document that's
6 referring to?

7 A. I believe it's the judgment in this case.

8 Q. Judgment in this case. Okay. Does it
9 include the revised judgment?

10 A. I believe so.

11 Q. Then, if you go to, "other legal," what --
12 do you know what type of document that would be?

13 A. No, ma'am. It just means that when someone
14 scanned it in, they didn't really quite be able to
15 identify what they are looking at and so without
16 opening each of these documents, I couldn't tell you
17 exactly what they were. I did open each one of them
18 in preparation for this case to see if they were
19 indeed all legal documents.

20 Q. Are they all legal documents?

21 A. Yes, ma'am.

22 Q. Have we reviewed any documents in this
23 depository today?

24 A. I'm sorry. Say that again?

25 Q. Have we any of those -- have we reviewed

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1 any documents today that are in this depository?

2 A. No, ma'am. I don't -- unless it was -- I
3 would have to look back at D, on the collection
4 action.

5 Q. Okay. How about you look back at D?

6 A. Yes. The order dated June 22nd, 2006,
7 which is LVNV056, is listed in there as the
8 judgment. The summons, LVNV073, is listed as a
9 summons, LVNV075, the affidavit of indebtedness, is
10 listed at least twice under the other legal tab.
11 And LVNV076, the one that says, "alias summons,"
12 might be the other summons that is listed.

13 Q. Now, I know there are three entries here
14 from, I think two are from 2008 and one is from 2009
15 and it just says, "other legal." Do you know who
16 those -- do you know who would have deposited those
17 documents into this depository?

18 A. No, ma'am.

19 Q. Now, I would like -- Okay, here we are. If
20 you -- if I could draw your -- if you could go to
21 what's date stamped as LVNV055?

22 A. Okay.

23 Q. Now, this just says additional -- I'm going
24 to go to the part where it says, "additional account
25 data."

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1 A. Okay.

2 Q. I wanted to go back to -- where did -- do
3 you know -- let's start with the first line on the
4 additional document data, it says, "last" and it
5 says, "PMT date" and it says "3/19/2002." Can you
6 tell me what that means?

7 A. It's the last payment date on the account.

8 Q. Then it says, "Last PMT," and it says
9 "AMT", can you tell me what that means?

10 A. The last payment amount.

11 Q. What was the last payment amount?

12 A. \$32.

13 Q. Can you tell me where Resurgent received
14 that information from? Did they get it from the
15 original creditor?

16 A. They got it from Sears National Bank. Yes,
17 ma'am.

18 Q. Did they get the rest of this information
19 from Sears National Bank?

20 MR. FOSTER: Object to the form.

21 BY THE WITNESS:

22 A. I -- some of it would have come from --
23 most of it would come from Sears National Bank.
24 There might be updates as information we provided.

25 Q. I see the purchase date of June 23rd, 2003.

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1 Do you see that? It's in the second row.

2 A. Yes, ma'am.

3 Q. Now, there's not document -- was there no
4 servicer from 2003 to 2008 on Ms. Torres' account?

5 A. I don't believe it's tracked in AMCS.

6 Q. Where would that information be?

7 A. I just believe it's something that the IT
8 department, if they maintained records that old,
9 would have to go back and find.

10 Q. So, I just have a couple more questions
11 left. If we can go back to Exhibit A.

12 A. Okay.

13 Q. If we can go -- if we can go to Exhibit L
14 of Exhibit A, for the record.

15 A. Okay.

16 Q. Can you tell me what this document is?

17 A. It appears to be an affidavit for wage
18 deductions summons.

19 Q. Do you know if this document was ever
20 filed?

21 A. I don't know.

22 Q. Do you know who -- if you go down, it says,
23 "attorney" -- if you go down, it says Ronald C.
24 Miller?

25 A. Yes, ma'am.

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1 Q. Under attorney, it says, "Name, Ronald C.
2 Miller. Do you know who Ronald C. Miller is?

3 A. No, ma'am.

4 Q. He -- it says, attorney for Plaintiff, if
5 you go down. Do you see that?

6 A. I do.

7 Q. Do you see the address, 11970 Borman Drive,
8 Suite 250?

9 A. Yes.

10 Q. Then do you see the city and the state, it
11 says, St. Louis?

12 A. Yes, I do.

13 Q. MO, 63146, do you know any attorneys for
14 Resurgent with that address?

15 A. Sitting here right now, I can't recall
16 whose address that it.

17 Q. You don't know if -- do you know if Ronald
18 C. Miller works for Miller and Steeno, P.C.?

19 A. I don't know.

20 Q. Who would know?

21 A. I'm guessing Miller and Steeno or Ronald
22 Miller. I'm not sure that's something we would be
23 aware of.

24 Q. But you don't recall -- but Resurgent
25 doesn't recall hiring an attorney by the name of

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1 Ronald C. Miller?

2 A. The name Ronald C. Miller is not sticking
3 out for me today as to who he might be with.

4 Q. Do you know if any other servicer hired
5 Ronald C. Miller?

6 A. I don't know.

7 Q. All right. Can you go to -- can you go to
8 Exhibit F of Exhibit A, for the record?

9 A. F?

10 Q. Uh-huh.

11 A. Okay.

12 Q. Can you tell me what this document is?

13 A. Exhibit F is "Summons to Revise Judgment."

14 Q. Have you seen this document before?

15 A. Yes, ma'am.

16 Q. Are you familiar with this document?

17 A. I've reviewed it before.

18 Q. Do you know if this document was filed?

19 A. I don't know.

20 Q. Can you go down -- down, it says -- can you
21 go down to where it says, "Bleecker, Brody and
22 Andrews"?

23 A. Yes, ma'am.

24 Q. Do you know if Resurgent hired Bleecker,
25 Brody and Andrews to file this summons to revise

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1 judgment?

2 A. I am -- I know that Bleecker, Brody and
3 Andrews were retained to represent LVNV Funding on
4 this account to see if they could collect on the
5 judgment.

6 Q. Were they also hired to file documents on
7 her state court case, I think the case number is
8 2005-M1192307?

9 MR. FOSTSER: Object to the form.

10 BY THE WITNESS:

11 A. Well, I believe they were retained to
12 collect on the judgment and if they had to go
13 through the courts to the collection action, they
14 would have done whatever they legally were required
15 to do.

16 Q. Do you know if Resurgent reviewed this
17 summons to revise judgment before it was actually
18 filed?

19 A. I don't believe so.

20 Q. All right. Do you know if any of the firms
21 that were allowed to collect the judgment on Ms.
22 Torres' account were allowed to sue for -- was
23 allowed to settle on the judgment for less?

24 MR. FOSTER: Object to the form of the question.

25 BY THE WITNESS:

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1 A. I don't know. That's not anything I looked
2 into.

3 Q. Okay. Did any of the firms have the
4 ability to settle Ms. Torres' case?

5 MR. FOSTER: Object to the form of the question.

6 BY THE WITNESS:

7 A. I -- settling the judgment wasn't anything
8 I really looked into, so I don't know specifically
9 if these firms could have settled the judgment.

10 Q. Who would know?

11 A. I guess the firms themselves would know.

12 Q. Would any of the servicers hired by
13 Resurgent have to approve any settlements?

14 MR. FOSTER: Object to the form of the question.

15 BY THE WITNESS:

16 A. I don't know.

17 Q. Who would know?

18 A. I'm not really sure. It's not anything I
19 thought about and kind of looked to see if there
20 were any settlement discussions or anything with any
21 of the firms.

22 MR. FOSTER: Celetha, we've got twenty minutes
23 left.

24 MS. CHATMAN: All right. It's five o'clock your
25 time, what is it, four o'clock our time?

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1 MR. FOSTER: That's correct.

2 MS. CHATMAN: Okay. Well, no further questions.

3 MR. FOSTER: Okay. I have a simple follow-up
4 question.

5 CROSS-EXAMINATION

6 BY MR. FOSTER:

7 Q. Ms. Henderson, would you turn to Exhibit C,
8 that you have? Turn to page LVNV32 of Exhibit C.

9 A. Okay.

10 Q. Do you see the section that's called,
11 "Collection Status History"?

12 A. Yes.

13 Q. Earlier in your deposition testimony, you
14 talked about a status code of ATT. Do you remember
15 that testimony?

16 A. Yes.

17 Q. What does the status code of ATT mean?

18 A. It stands for the debtor has retained an
19 attorney.

20 Q. Who would place that status code into the
21 account, the account notes like the ones that you
22 see in front of you in Exhibit C?

23 A. Well, if the servicer received the
24 information, it would change to a sub file that's
25 SUF, the Servicer Update File, meaning they had

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1 received notification that an attorney represented
2 the consumer. If someone at Resurgent would have
3 changed it, it would be changed with their initials
4 and name out to the side.

5 Q. On page LVNV32 of Exhibit C, are all the
6 status codes for Ms. Torres' account listed here?

7 A. From August 2009 through 2016, yes.

8 Q. Does the status code of ATT appear anywhere
9 on that list of status codes?

10 A. No, sir.

11 Q. All right.

12 MR. FOSTER: That's all I have.

13 MS. CHATMAN: I don't have any further
14 questions.

15 COURT REPORTER: Do you want these documents
16 attached to the deposition?

17 MS. CHATMAN: Yes, I do. A .pdf copy, no hard
18 copies. Include exhibits with her copy.

19 COURT REPORTER: Okay. Mr. Foster, do you want
20 a copy?

21 MR. FOSTER: I'll take an e-transcript, and I
22 don't need copies of the exhibits.

23 COURT REPORTER: Thank you so much.

24 (Whereupon, the deposition was concluded at 4:46
25 p.m.)

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1 CERTIFICATE OF REPORTER


2 STATE OF SOUTH CAROLINA)

3 COUNTY OF YORK)

4 I, Cathy L. Young, CVR-M, a Notary
5 Public for the State of South Carolina, do hereby
6 certify that I placed under oath the aforesaid
7 deponent; that I reported the foregoing proceedings
8 at the time and place herein designated and that the
9 foregoing pages are a true, accurate, and correct
10 transcript of the aforesaid proceedings.

11 I further certify that I am not a
12 relative, employee, attorney or counsel of any of
13 the parties, nor relative or employee of such
14 attorney or counsel, nor in any way interested in
15 the event of said cause.

16 In witness my hand and official seal
17 this is the 1st day of February, 2017, in the City
18 of Fort Mill, County of York, State of South
19 Carolina.



20
21 Cathy L. Young, CVR-M
22 Court Reporter and Notary
23 Public in and for South Carolina
24 My Commission expires: 2-19-19.
25

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